

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**EVEREADA KOURIS,**

**Defendant.**

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**CASE NO. 8:06CR116**

**ORDER**

This matter is before the Court on the Defendant's motion for reconsideration of the Court's previous Memorandum and Order summarily denying her motion to vacate filed under 28 U.S.C. § 2255 (Filing No. 764).

The Court denied Kouris's § 2255 motion as untimely, stating that the motion was placed in the prison mailing system one day after her one-year deadline. The Court based its conclusion on the following: the certificate of service, dated June 19, 2010 (Filing No. 762, at 16); the cover letter with the motion dated June 19, 2010 (*Id.*, at 15); and Kouris's declaration (*Id.*, at 14). With respect to the dates on the certificate of service and cover letter, another digit had been changed in handwriting to a "9." (*Id.*, at 15-16.)

In her motion for reconsideration, Kouris states that, "[w]ith all due respect" her certificate of service and cover letter were dated June 18, 2010. She stated in her unsworn letter that she deposited the motion in the prison mail system on "July [sic] 18, 2010." (Filing No. 764.) She attached to her motion a certificate of service and cover letter with typewritten dates of June 18, 2010, asking that they be substituted for the pages filed with her § 2255 motion.

The motion for reconsideration will be denied. Considering the written record in this case surrounding the filing of the § 2255 motion, Kouris's unsworn statements in her motion and newly submitted pages lack credibility.

IT IS ORDERED:

1. The Defendant's motion for reconsideration (Filing No. 764) is denied; and
2. The Clerk is directed to mail a copy of this Memorandum and Order to the Defendant at her last known address.

DATED this 5<sup>th</sup> day of August, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge